

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)

ATTORNEY'S DOCKET NUMBER

X-14978M

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

10/516559

INTERNATIONAL APPLICATION NO.

PCT/US2003/015405

INTERNATIONAL FILING
DATE

06 June 2003 (06.06.2003)

PRIORITY DATE CLAIMED

11 June 2002 (11.06.2002)

TITLE OF INVENTION: PRODRUGS OF EXCITATORY AMINO ACIDS

APPLICANT(S) FOR DO/EO/US: Eric David Moher, James Allen Monn, and Concepcion Pedregal-Tercero

Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.
11. ☐ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

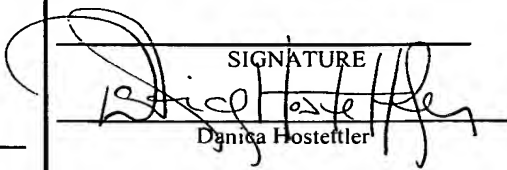

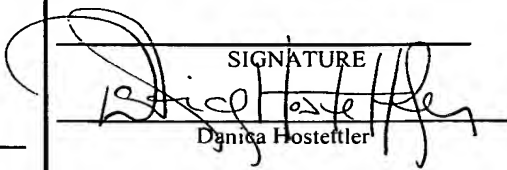

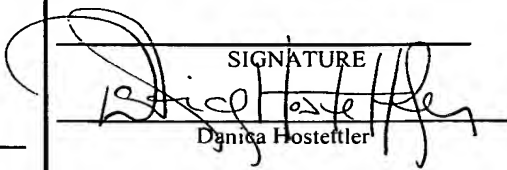

Items 12. to 18. below concern document(s) or information included:

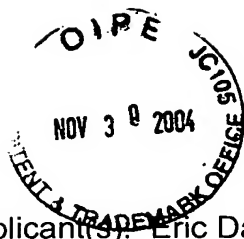
12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ Assignment has been recorded at reel _____, frame _____.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A Sequence Listing, 1.821 Statement, and diskette.
17. ☒ A power of attorney with attachments.
18. ☒ Other items or information:

Please amend the first page of the specification by inserting the following cross-reference after the title:

"This is the national phase application, under 35 USC 371, for PCT/US2003/015405, filed 06 June 2003, which, claims the benefit, under 35 USC 119(e), of US provisional applications 60/415,936, filed 03 October 2002; 60/415,937, filed 03 October 2002; and EP applications 02380120.2, filed 11 June 2002; 02380121.0, filed 11 June 2002."

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.55) 10/516559		INTERNATIONAL APPLICATION NO. PCT/US2003/015405		ATTORNEY'S DOCKET NUMBER X-14978M	
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<p>19. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1110.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$950.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$790.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$750.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$100.00</p> <p style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</p> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <u> 20 </u> <u> 30 </u> months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> <th style="width: 15%;"></th> <th style="width: 15%;"></th> </tr> <tr> <td>Total claims</td> <td>46-20=</td> <td>26</td> <td>X \$18.00</td> <td>\$ 468.00</td> <td></td> </tr> <tr> <td>Independent claims</td> <td>2-3=</td> <td></td> <td>X \$88.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$300.00</td> <td>\$ 300.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 768.00</td> <td></td> </tr> <tr> <td colspan="4">Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL =</td> <td>\$1,718.00</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing English translation later than <u> 20 </u> <u> 30 </u> months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td>\$1,718.00</td> <td></td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <div style="text-align: right;">\$40.00 per property</div></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td>\$1,718.00</td> <td></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">Amount to be</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">refunded</td> <td></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">charged</td> <td>\$</td> </tr> </table> <p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 05-0840 in the amount of \$1,718.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%; vertical-align: top;"> <p>SEND ALL CORRESPONDENCE TO: ELI LILLY AND COMPANY PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288 <u>November 30, 2004</u> Date</p> <p style="text-align: center;">51,820 REGISTRATION NUMBER</p> </td> <td style="width: 35%; vertical-align: top; text-align: center;"> <p>SIGNATURE</p>  Danica Hostettler (317) 276-3711 TELEPHONE NUMBER </td> <td style="width: 30%; vertical-align: top; text-align: center;">  25885 PATENT TRADEMARK OFFICE </td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	46-20=	26	X \$18.00	\$ 468.00		Independent claims	2-3=		X \$88.00	\$		MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$300.00	\$ 300.00		TOTAL OF ABOVE CALCULATIONS =				\$ 768.00		Reduction by 1/2 for filing by small entity, if applicable. 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IN THE UNITED STATES RECEIVING OFFICE (USRO)

10/516559
DT05 Rec'd PCT/PTO 30 NOV 2004

Applicant(s): Eric David Moher, James Allen Monn, and Concepcion Pedregal-Tercero

International Application No.: PCT/US2003/015405

Filed: 06 June 2003 (06.06.2003)

Invention: PRODRUGS OF EXCITATORY AMINO ACIDS

Lilly Reference: X-14978M

Earliest Priority Date: 11 June 2002 (11.06.2002)



Certificate Under 37 C.F.R. § 1.10

Attention: DO/EO

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EL 832896965 US

Date of Deposit: Nov. 30, 2004

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

QUEEN THOMAS
(Typed or printed name of person mailing paper)

Queen Thomas
(Signature of person mailing paper or fee)